

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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KELVEN LEWIS #405601,

Petitioner,

Case No. 1:13CV1045

v.

Hon. Robert J. Jonker

WILLIE SMITH, Warden,

Respondent.

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**ORDER**

**APPROVING AND ADOPTING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on October 18, 2013. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed October 18, 2013 (docket #2), is approved and adopted as the opinion of the court.

**IT IS ORDERED** that the habeas corpus petition is **DENIED** as barred by the one-year statute of limitations.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**. *See Slack v. McDaniel*, 429 U.S. 473 (2000). This case is **CLOSED**.

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/s/Robert J. Jonker

ROBERT J. JONKER

UNITED STATES DISTRICT JUDGE

Dated: December 11, 2013